

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 11-00097 CRB

Plaintiff,

**ORDER DENYING MOTION TO
SUPPRESS**

v.

HUNG TIEU,

Defendant.

Defendant Hung Tieu moves to suppress evidence and statements derived from what he characterizes as an unconstitutional search of his home. See Mot. (dkt. 348). The Court has carefully considered the parties' arguments and papers in connection with this motion, including the supplemental briefing the parties provided following the June 12, 2012 motion hearing. The Court DENIES the motion, finding that the Tack Affidavit provides a sufficient nexus between Defendant's alleged criminal activities and his home, and that, in the alternative, the good-faith exception of United States v. Leon, 468 U.S. 897, 922 (1984) applies. The Court therefore VACATES Defendant's evidentiary hearing, which was set for November 20, 2012.

IT IS SO ORDERED.

Dated: November 2, 2012


CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE